

## **REMARKS**

Applicant is in receipt of the Office Action mailed May 14, 2009. Claims 1, 24, 36, 58, 82, 85, 86, 89, 92-94, and 100 have been amended. No claims have been added or cancelled. Therefore, claims 1-73 and 76-104 are pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Telephone Interview**

In a telephone interview between the Examiner, Jeff Hood, and Joel Stevens on August 11, 2009, the present amendments and the cited reference, Coult, were discussed. More specifically, Applicant proposed the present amendment to better clarify that the patent marking information includes information identifying patents that are applicable to technology of the resource(s). The present amendments also clarify that the patent marking information is retrieved for the detected resources. Applicant noted that Coult does not include any detection of resources and that the previously cited patent database, even if read as a resource, would not include information identifying patents that are applicable to the resource(s) (e.g., the patent database, engine, or service asserted by the most recent Office Action). The Examiner indicated that in light of this amendment and the new understanding of the claims, a more favorable Office Action would be issued. Applicant appreciates the Examiner's time and consideration in this matter.

### **Section 102 Rejection**

Claims 1-104 stand rejected under 35 U.S.C. 102(e) as being anticipated by Coult (Publication No.: US 2002/0035571 A1, "Coult").

With regard to claim 1, Coult fails to disclose "programmatically detecting one or more resources coupled to or comprised in a computer system". With regard to this feature, the Office Action includes numerous arguments and citations. Applicant has carefully considered the statements of the Office Action and the cited portions of Coult as well as Coult in general. It is Applicant's understanding that the Office Action interprets the patent categorization engine of Coult as the feature one or more resources of claim 1,

and Coult's patent database as the feature a computer system of claim 1 (see e.g. p.3 lines 11-12 of the Office Action). Applicant respectfully submits that even if one could interpret Coult in such a manner (which Applicant submits one cannot), there is no teaching or suggestion in Coult of **detecting** the patent categorization engine. Nor does Coult, given any other interpretation, appear to teach this feature, as Applicant has previously argued. Thus, Coult fails to teach this feature of claim 1.

With further regard to claim 1, Coult fails to teach "retrieving, from a memory medium, patent marking information corresponding to each of said one or more resources based on said programmatically detecting, wherein the patent marking information comprises information identifying patents that are applicable to technology of the one or more resources". Given the Office Action's interpretation of Coult's patent categorization engine as said one or more resources, for Coult to teach this feature would require that Coult teach retrieving patent marking information corresponding to the patent categorization engine. Additionally, the patent marking information would have to correspond to technology of the patent categorization engine. Applicant respectfully submits that there is no such teaching in Coult, nor would such a teaching make sense; in fact **Coult teaches away from this**. That is, Coult teaches retrieving patent marking information corresponding to the products listed in the product database. The patent categorization engine of Coult appears to be merely a means of determining which patent information in the patent database corresponds to a given product in the product database. Thus, Coult does not disclose this feature of claim 1.

For at least the above reasons, Applicant submits that Coult fails to teach all the features and limitations of claim 1, and so Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable. Claims 24, 36, 58, 82, 85, 86, 89, 92, 93, 94, and 100 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided above, Applicant submits that claims 24, 36, 82, 85, 86, 93, and 94, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Regarding claim 2, Coult fails to disclose “wherein said one or more resources comprise one or more hardware devices coupled to the computer system”. With respect to this feature, the Office Action relies on paragraphs [0149] and [0156] of Coult. These paragraphs identify various input devices and storage devices which may be present in computer systems. However, there is no indication that these resources are detected and then patent marking information is retrieved based on the detection which includes information identifying patents that are applicable to technology of the resources. Thus, Coult fails to teach the features and limitations of claim 2. Similar arguments apply to claims 37, 86, 93, and 95.

### **Section 103 Rejection**

Claims 58-73, 76-81, 89-92, and 100-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coult in view of Grainger (Publication No.: 2002/0111824 A1, “Grainger”)

Applicant respectfully submits that in light of Applicant’s remarks above, these claims have already been shown to be patentably distinct and non-obvious over the cited art; the below remarks indicate additional reasons that the claims in question are allowable.

With regard to claim 58, Coult in view of Grainger fails to teach “receiving user input to purchase one or more software products from an e-commerce server, wherein the user input is received over a network”. The Office Action cites paragraphs 53, 54, 169, and 170 of Coult with respect to this feature. More specifically, the Office Action cites ‘downloading of electronic patent marking notices into or in association with previously purchased/licensed products’. Applicant respectfully submits that Coult’s mention of previously purchased/licensed products does not recite receiving user input to purchase one or more software products from an e-commerce server, wherein the user input is received over a network.

More specifically, with respect to the limitation an e-commerce server, the Office Action cites Coult paragraph [0013] as teaching e-commerce. The cited paragraph (or Coult in general) does not appear to relate to e-commerce; instead, the cited paragraph appears to be a discussion of the drawbacks and limitations of previous patent marking

systems. The cited paragraph does mention commerce, but does **not** teach **e-commerce**, and certainly **not in the context of this feature of claim 58**. Further, the Office Action admits that Coult fails to teach an e-commerce server and instead turns to Grainger, citing paragraph 42 of Grainger. However, the cited paragraph refers to an IP data processing system, not an e-commerce server; **Grainger does not appear to relate to e-commerce at all**. Thus, Coult in view of Grainger fails to teach this feature of claim 58.

For at least the above reasons, Applicant submits that Coult in view of Grainger fails to teach all the features and limitations of claim 58, and so Applicant submits that claim 58 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable. Claims 89, 92, and 100 include similar limitations as claim 58, and so the above arguments apply with equal force to these claims (in both the 102 and 103 rejections). Thus, for at least the reasons provided above, Applicant submits that claims 89, 92, and 100, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Applicant also submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-64300/JCH.

Also filed herewith are the following items:

- ☒ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Jeffrey C. Hood/  
Jeffrey C. Hood, Reg. #35198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
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